

APR 22 2008

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

WILLIAM R. BURKETT,

Plaintiff - Appellant,

v.

MICHAEL J. ASTRUE, Commissioner of
Social Security,

Defendant - Appellee.

No. 07-35827

D.C. No. CV-05-01856-RSM

MEMORANDUM^{*}

Appeal from the United States District Court
for the Western District of Washington
Honorable Ricardo S. Martinez, U.S. District Judge, Presiding

Submitted April 15, 2008^{**}

Before: B. FLETCHER, FISHER and PAEZ, Circuit Judges.

A review of the record, the opening brief, and the response to this court's
January 11, 2008 order to show cause indicates that the questions raised in this

^{*} This disposition is not appropriate for publication and is not precedent
except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without
oral argument. *See* Fed. R. App. P. 34(a)(2).

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appeal are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard). It does not appear that the district court erred in denying appellant's motion for an agency hearing where the requested hearing had already occurred. *See Weeks v. Bayer*, 246 F.3d 1231, 1234 (9th Cir. 2001) (stating standard of review of a district court's denial of a motion to reopen a judgment).

Accordingly, we summarily affirm the district court's judgment.

All pending motions and requests are denied as moot.

AFFIRMED.